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In Germany, accordingly the book was needed. If it is not needed by us in anything like the same degree, it is still welcome. Views largely held among us are at least presented from a new angle. And, as in most of Jhering's writings, there are delightful and extremely suggestive digressions.

Jhering was one of the most brilliant and most persuasive of German prose writers. He had both wit and humor, and was not afraid to give them play in his most technical writings. Much of the charm of his style is lost in translation, but much remains.

The introductions and prefaces to this volume, by Professor Drake of Michigan University, Chief Justice Lamm of the Supreme Court of Missouri and Dr. Geldart, Vinerian professor of English law at Oxford, are all of value. Still more useful to the reader are the critical surveys of Jhering's theories presented in the appendix: one by Professor Merkel, a friend and colleague of Jhering; a second by President Tanon of the French Court of Cassation.

*Munroe Smith.*

LEGAL PRINCIPLES OF PUBLIC HEALTH ADMINISTRATION. By HENRY BIXBY HEMENWAY. Chicago: T. H. FLOOD & Co. 1914. pp. xxxvi, 859.

Dr. Hemenway's qualifications for the authorship of the book are vouched for by Dean Wigmore, who refers to him as "versed in the law"; as the recipient of divers academic degrees; as the appointee to a variety of public offices, and as the contributor of many articles to magazines. Even without this voucher, the book ought to gain a good measure of popularity. It is one of the earliest attempts to systematize modern legislation and the practices of administrative officers, which have for their object the protection of public health. The very fact that it is a pioneer in its field will secure for it special attention.

Dean Wigmore raises the question whether our law is equal to the task of assimilating the new legislation and administrative regulations relative to public health. The volume before us appears to give an affirmative answer. Indeed, the author declares that "the fundamental idea at the base of most governmental action having for its object the preservation of public health is that of nuisance." Clearly, he could not affirm with his sponsor, "in a time within my memory, the only law that one heard of for public health was the quarantine rule" for ships "coming from a plague-rumored Oriental port". He has read his Blackstone on "Offenses against Public Health"—a chapter which deals with statutes against the selling of unwholesome provisions. He is also familiar with decisions in New York and other jurisdictions under statutes passed nearly a century ago, empowering boards of health in cities far removed from the sea board to establish regulations for the preservation of the public health.

Not only is Dr. Hemenway acquainted with the old law upon his subject, but he believes in retaining it, until we are quite sure that we can enact new laws which are better. He remarks: "There is perhaps too great a tendency in legislation today to interfere with the ordinary lives of individuals. The agitation is frequently the product of emotional theorists, unsupported by analytical study of facts involved."

Many portions of the book are very elementary and discursive. For the purposes of a lawyer, it could be condensed to half of its size

without the loss of any important legal doctrine, and to his great gain. But the health officer, who is a layman, and the general reader, will probably prefer the treatise in its present form. He will find here a full discussion of modern statutes and administrative rules for the promotion of public health, with many sound comments on unwise legislation, and many wise suggestions for sound legislation, as well as sane advice for abstention from appeals for governmental interference with matters that can be safely left to private endeavor.

Francis M. Burdick.

BARTOLUS ON THE CONFLICT OF LAWS. Translated into English by JOSEPH HENRY BEALE. Cambridge: HARVARD UNIVERSITY PRESS; London: HUMPHREY MILFORD, OXFORD UNIVERSITY PRESS. 1914. pp. 86, with two illustrations.

This well printed volume forms an admirable tribute to the memory of a great jurist, on the six hundredth anniversary of his birth. In this particular it is altogether to be commended. The translator in his preface modestly remarks that he "can urge as a qualification neither an adequate command of the Latin language, knowledge of medieval law, nor English style," but that "those better qualified have unfortunately neglected the work." It would therefore seem to be ungracious critically to examine a translation which is declared to have been "purposely . . . made freely, with the hope of making the work in that way clearer to American lawyers." Happening to open the volume at page 33, we note that Bartolus is interpreted as having affirmed that "always a statute allows and permits what it does not reasonably forbid, excepting those things in which a privilege is specially granted." The original text reads—"*Aliquando enim statutum concedit et permittit id quod rationabiliter non competit, nisi in his, in quibus specialiter privilegium est concessum.*" Probably we should come nearer to the author's meaning if he were translated as saying that a statute "sometimes allows and permits what does not reasonably correspond to it, unless in matters in which a privilege is specially granted."

In reality the text of Bartolus is hardly intelligible to American or other lawyers instructed under the Common Law, unless they happen to have made a special study of the state of jurisprudence in the time and place in which he wrote. Even the single passage above quoted is quite obscure unless we understand the senses in which he used the words "*statutum*" and "*privilegium*". A brief but illuminating discussion of the meaning of these terms may be found in Meili's International Civil and Commercial Law.

J. B. Moore.

OUTLINES OF BILLS AND NOTES. By WILLIAM PAYSON RICHARDSON. Brooklyn: BROOKLYN LAW PUBLISHING Co. 1914. pp. viii, 179.

Some lawyers are prone to look with suspicion upon a non-adipose textbook. They seem to forget that it is the function of the textbook writer to suggest rather than to supply precedents. The latter is the duty of the digests, and their cumulative supplements with high-sounding names, and Mr. Richardson has made no attempt to rival any known form of digest. As an elementary treatise upon the general aspect of negotiable instruments, the work possesses distinct merits. Its distinguishing feature consists in a lucidity of expression, which is, perhaps, partly due to the fact that the work is by no means pro-